

ENTERED

January 19, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CONNIE K. DREES,

Plaintiff.

V.

PHILADELPHIA AMERICAN LIFE
INSURANCE COMPANY,

Defendant.

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CIVIL ACTION NO. 4:20-cv-03607

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On August 18, 2022, Plaintiff's Motion for Class Certification (Dkt. 88¹) was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). Dkt. 84. On September 30, 2022, Defendant's Motion for Summary Judgment (Dkt. 67) was also referred to Judge Edison. Dkt. 95. On October 6, 2022, Defendant's Motion to Exclude the Expert Testimony of Mark Billingsley (Dkt. 92) was referred to Judge Edison. Dkt. 97. On January 3, 2023, Judge Edison filed a Memorandum and Recommendation recommending that Defendant's Motion for Summary Judgment (Dkt. 67) be **GRANTED**, and that Plaintiff's Motion for Class Certification (Dkt. 88) and Defendant's Motion to Exclude (Dkt. 92) be **DENIED** as moot. Dkt. 99.

¹ Although not entered until August 29, 2022, this motion was "deemed timely filed on July 15, 2022" per order by Judge Edison. Dkt. 87.

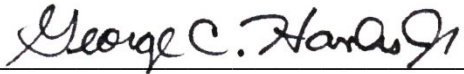
No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED and ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 99) is **APPROVED and ADOPTED** in its entirety as the holding of the Court;
- (2) Defendant's Motion for Summary Judgment (Dkt. 67) is **GRANTED**;
- (3) Plaintiff's Motion for Class Certification (Dkt. 88) is **DENIED**; and
- (4) Defendant's Motion to Exclude (Dkt. 92) is **DENIED**.

It is so **ORDERED**.

SIGNED and ENTERED this 19th day of January 2023.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE